THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :17760 OF 2007

DATED:30-08-2007

BETWEEN:

G.Koteshwar Rao.

..... PETITIONER

AND

The Sub-Inspector of Police,
I Town Police Station,
Kothagudem,
Khammam District & 4 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents 1 to 4 in not investigating the case in Cr.No.158 of 2006 of I Town Police Station, Kothagudem, not filing charge sheet, and in not arresting the 5th respondent in the said crime, as illegal, and arbitrary.

3. The only grievance of the petitioner is that having registered the above Crime on the complaint lodged by the petitioner, there is no justification on the part of the respondent in not investigating the crime.

4. Learned Government Pleader for Home appearing for the respondents submits that the investigation has been completed and final report, dated 02-08-2007, was also filed referring the case as 'lack of evidence'.

5. It is stated that notice was also served on 02-08-2007. If that be so, I am of the opinion that it is for the learned I Additional Judicial First Class Magistrate, Kothagudem to consider the said final report and pass appropriate orders under Section159 Cr.P.C. Apart from that, it is also open for the

petitioner to file protest application or a fresh private complaint.

6. Accordingly, Writ Petition is closed. No order as to costs.

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V.ESWARAIAH,J

30th August, 2007.

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